

Serial No. 09/922,032
Reply to Office Action of July 1, 2005

REMARKS/ARGUMENTS

Claims 1-20 were presented for examination. Claims 4 and 14 were withdrawn from considerations leaving claims 1-3, 5-13, and 15-20 pending in this application. In an Official Final Office Action dated July 1, 2005, claims 1-3, 5-13, and 15-20 were rejected. The Applicants thank the Examiner for examination of the claims pending in this application and address the Examiner's comments below.

35 U.S.C. §103(a) Obviousness Rejection of Claims

Claims 1-3, 5-13 and 15-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,810,429 ("Walsh et al.") in view of U.S. Patent No. 5,978,804 ("Dietzman et al."). The Applicants respectively traverse these rejections in light of the following remarks and respectfully request reconsideration.

MPEP §2143 provides:

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teaching. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

Claim 1 states, among other things, "using said abstract format to convert said database to a second database format." With respect to claim 1, the Examiner admits that Walsh et al. "does not explicitly disclose converting from one database format to the [sic] another database format." USPTO

Serial No. 09/922,032
Reply to Office Action of July 1, 2005

communication dated July 1, 2005, p. 3. To make up for the deficiency in Walsh et al., the Examiner turns to Dietzman and states, "Dietzman discloses converting from one database format to the [sic] another database format." Id. The Examiner fails to recognize a key component of the claimed limitation. The databases are converted using an abstract format.

Claim 1 recites, among other things, "using said abstract format" to convert from one database format to another database format. Neither Walsh et al. nor Dietzman et al. disclose the conversion of a database from one format to another format using an abstract format. Even if one of reasonable skill in the art would be motivated to combine Walsh et al. and Dietzman et al. (a motivation which the Applicants submit is unsubstantiated) there would be little likelihood of success. The combined concepts disclosed in Walsh et al. and Dietzman et al. fail to capture the essence of the Applicants' invention. Using an abstract format, differences identified in the database migration can be identified and compiled. These differences can be easily read and understood by using one or more views. This concept is unique to the claimed invention and is neither taught or suggested by Walsh et al. or Dietzman et al.

The Examiner furthermore equates the Applicants' "abstract" terminology with XML but fails to identify in Walsh et al. or Dietzman et al. any corresponding language that teaches or suggests the conversion of a database in one format to a database in another format using a abstract format. Even using XML to migrate the database as the Examiner suggests is unsubstantiated. The Applicants' invention provides a method for production databases to extensively change a data model in one bulk migration while guaranteeing the retention of current data with a minimum of system downtime. Walsh et al. in view of Dietzman et al. teach nothing of the sort.

To establish a prima facie case of obviousness, the prior art must teach or suggest all the claim limitations. Walsh et al. in view of Dietzman et al. does not

Serial No. 09/922,032
Reply to Office Action of July 1, 2005

teach or suggest converting one from one database format to another database format using an abstract format as stated in claim 1. Accordingly, the Applicants submit that claim 1 is patentable over Walsh et al in view of Dietzman et al. and respectfully request the Examiner withdraw the rejection.

Claims 2-3 and 5-10 depend from claim 1 and are, for at least the aforementioned reasons, patentable over Walsh et al. in view of Dietzman et al. The Applicants respectfully request reconsideration. For at least the same reasons, claim 11 is patentable over Walsh et al. in view of Dietzman et al. As claims 12-13 and 15-20 depend from claim 11, the Applicants submit they are, for the same reasons, patentable over Walsh et al. in view of Dietzman et al.

In view of all of the above, the claims are now believed to be allowable and the case in condition for allowance which action is respectfully requested. Should the Examiner be of the opinion that a telephone conference would expedite the prosecution of this case, the Examiner is requested to contact Applicants' attorney at the telephone number listed below.

No fee is believed due for this submittal. However, any fee deficiency associated with this submittal may be charged to Deposit Account No. 50-1123.

Respectfully submitted,

August 10, 2005



Michael C. Martensen, No. 46,901
Hogan & Hartson LLP
One Tabor Center
1200 17th Street, Suite 1500
Denver, Colorado 80202
(719) 448-5910 Tel
(303) 899-7333 Fax